

### **REMARKS**

The Information Disclosure Statement filed on August 25, 2006 failed to comply with 37 C.F.R. 1.98(a)(2) because it did not include a legible copy of each cited foreign patent reference. A corrected Information Disclosure Statement has been filed with this Response and includes legible copies of each of the cited foreign patent references.

Claims 1-7 are pending in Application Serial No. 10/598,363, filed on July 15, 2008. An Office Action was mailed on May 18, 2011.

In the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner rejected claims 1 and 3 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,494,465 to Bucknell ("the Bucknell '465 patent"). Claims 1 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,360,731 to Smith ("the Smith '731 patent"). Further, claims 2 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Bucknell '465 patent in view of the U.S. Patent No. 6,419,236 to Janian ("the Janian '236 patent"). Also, claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Bucknell '465 patent in view of the U.S. Patent No. 5,349,894 to Greer ("the Greer '894 patent") in view of the U.S. Patent No. 5,632,297 to Sciullo ("the Sciullo '297 patent").

Based upon the amendment and the following remarks, Applicant respectfully submits that all of the claims remaining, that is Claims 1-7 are in condition for allowance.

### **REJECTIONS UNDER 35 U.S.C. § 112**

In the Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. More specifically, the Examiner argued that claims 1-7 were not clear

whether the sealing faces are convergent or the body and the thrust member have convergent sealing faces. Applicant respectfully submits that one having ordinary skill in the art would understand the claim language “a working chamber formed between the body and the thrust member of the assembly comprising an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member which have convergent sealing faces” as claimed in Claim 1 based on at least FIGS. 2(c)-2(d). Based on the foregoing, Applicants believe that the Examiner's rejections under §112 in ¶¶ 3-4 of the Office Action have been overcome.

Further, in the Office Action, claim 7 was rejected for lacking antecedent basis for the phrase “the porous body”. The dependency of claim 7 has been changed to depend on claim 6. It is respectfully submitted that the Examiner's rejection in ¶ 5 of the Office Action has been overcome.

#### REJECTIONS UNDER 35 U.S.C. § 102(b)

In the Office Action, claims 1 and 3 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by the Bucknell '465 patent and additionally by the Smith '731 patent. Applicant respectfully submits that the Bucknell '465 and the Smith '731 patent do not disclose each and every limitation recited in Claim 1 and thus does not anticipate the Claim.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The element must be arranged as required by the claim. MPEP §2131.

“[A] §102(b) reference must sufficiently describe the claimed invention to have placed the public in possession of it . . . [E]ven if the claimed invention is disclosed in a printed publication, that disclosure will not suffice as prior art if it was not enabling . . .” *Azko N.V. v. U.S.I.T.C.*, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986).

Applicant respectfully submits that the Bucknell ‘465 patent and the Smith ‘731 patent are silent regarding “an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member which have convergent sealing faces” as found in Claim 1. The Bucknell ‘465 patent is discussed in the background information in para. [0006] of the present Application. The Bucknell ‘465 patent discloses “outwardly projecting sealing flanges thereon that are adapted to contact respective first and third surfaces to effect the seal therewith in said primary sealing mode” and does not disclose “an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member” as disclosed in the present Application. In a similar fashion to the above arguments, the Smith ‘731 patent fails to teach each and every limitation of the Claim 1.

The Smith ‘731 patent discloses a seal that is positioned to enable the seal to either slip or pivot from one side of the V-shaped groove to the other side thus forming the seal. The slipping or pivoting of the seal is determined by the pressure variance on either side of the seal as the seal is positioned in the V-shaped groove. The pivot or swing of the seal in the Smith ‘731 patent does not disclose “an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member” as disclosed in the present Application.

Therefore, Applicant respectfully submits that the Bucknell ‘465 patent and the Smith ‘731 patent do not disclose all of the limitations set forth in Claim 1, and therefore does not anticipate Claim 1. Based on the foregoing, it is believed that Claim 1 is now in condition for

allowance. Because claims 2-7 depend directly or indirectly from allowable Claim 1, they too are believed to be in condition for allowance.

REJECTIONS UNDER 35 U.S.C. § 103(a)

In the Office Action, Claims 2 and 4 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over the Bucknell '465 patent in view of the Janian '236 patent. In addition, the Examiner rejected Claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over the Bucknell '465 patent in view of the Greer '894 patent and in further view of the Sciullo '297 patent.

"In rejecting claims under 35 U.S.C. §103, the [E]xaminer bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant." *In re Rijckaert*, 9 F.3d 1531, 1532 (Fed. Cir. 1993)(citations omitted). In order to determine whether a prima facie case of obviousness has been established, we consider the factors set forth in *Graham v. John Deere Co.*: (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; (3) the level of ordinary skill in the relevant art; and (4) objective evidence of the nonobviousness, if present. *Graham v. John Deere Co.*, 383 U.S. 1, 17 (1966). When evaluating a claim for determination of obviousness, all limitations of the claim must be evaluated in judging the patentability of the claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); MPEP § 2143.03.

Applicants respectfully submit that, for the reasons presented above, the Bucknell '465 patent fails to disclose, teach, or even suggest an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member which have convergent sealing faces, as set forth in Claim 1. Moreover, the additional references of the Janian '236 patent, the Greer '894 patent and the Sciullo '297 patent also fail to disclose,

teach or even suggest an annular seal with opposed sealing faces which are urged into sealing engagement between the body and the thrust member which have convergent sealing faces, as set forth in Claim 1.

More specifically, the Janian '236 patent discloses a springclip seal that is enclosed within the cavity of the jacket of the seal to form the seal. Thus the springclip in the Janian '236 patent is enclosed within the seal jacket itself. The position of the springclip as disclosed in the Janian '236 patent does not teach "an annular mating spring clip retained in the body or in the thrust member of the assembly which bears against a non-sealing face of the annular seal" as claimed in claim 2.

Further, the Janian '236 patent is silent regarding the jacket or cavity of the seal attempting to return to its original shape. Because the springclip is positioned within the cavity or the jacket, the springclip is pushing against the cantilever arms position to form the seal in the Janian '236 patent. The springclip pushing against the cantilever arms does not teach "the seal is spring loaded when it is placed in position so that it attempts to returns to its original shape" as claimed in claim 4.

Further, the Greer '894 patent discloses a pressure relief valve that opens to allow for the flow of hydraulic fluid through the relief valve when the pressure reaches excessive levels. The Greer '894 patent is silent regarding "a porous body which allows hydraulic fluid to bleed from the chamber and which allows the annular seal to pass the tapping point without obstruction" as claimed in claim 6.

The Sciullo '297 patent discloses a porous member that allows for gases or liquids to escape while maintaining solids. The Sciullo '297 patent is silent regarding, at least in part, "a porous body . . . which allows the annular seal to pass the tapping point without obstruction" as claimed in claim 6. In contrast, the Sciullo '297 patent discloses when the temperature rises above a predetermined limit, the plug will melt and flow through the porous


member to relieve the pressure. Because claim 6 is believed to be in a condition for allowance, claim 7, which depends directly from amended claim 6, is also believed to be in condition for allowance.

Because independent Claim 1 is believed to be in condition for allowance, Claims 2, 4 and 6-7, which depend directly from Claim 1, are also believed to be in condition for allowance.

In view of the above, it is submitted that the claims now are in condition for allowance, and reconsideration of the rejections is respectfully requested and allowance of Claims 1-7 at an early date is hereby respectfully requested.

Respectfully submitted,

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